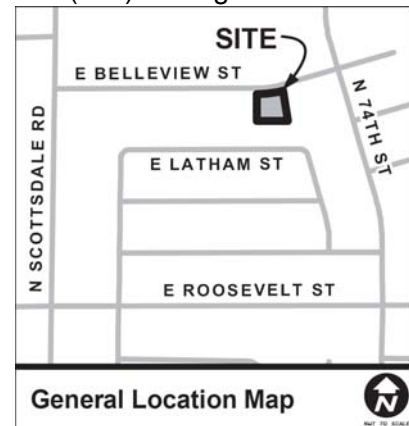


The seal of the City of Scottsdale, Arizona. It is a circular emblem with a serrated outer edge. The words "CITY OF SCOTTSDALE" are written in a circle around the top, and "ARIZONA" is at the bottom. In the center is a figure of a cowboy on a horse, holding a lasso. The text "EST. 1957" is on the left and "THE MOST WESTERN CITY" is on the right, separated by stars.

ACTION REQUESTED: Zoning Ordinance Variance

In 1962 under Ordinance No. 159, the zoning ordinance was amended to allow a 15-foot rear yard measured from the centerline of the alley and for accessory buildings (carports) a 2-foot setback from the rear



property line. Landscaping was not required in the 2-foot setback area. It appears that the carports on the adjacent properties were built with a 2-foot setback from the rear property line.

Then, in 1965, Ordinance No. 234 was adopted with a larger building setback requirement of 50 feet from the residential district.

Ordinance No. 455 was adopted in 1969 with a required 15-foot setback to the centerline of the alley, in effect a reinstitution of the 1962 provision for setbacks.

Finally, Ordinance No. 2818 was put in place in 1995. This Ordinance created Article X. Landscaping Requirements, for the purpose of updating and consolidating the landscaping provisions. This resulted in the requirement for a 15-foot wide landscape buffer where R-5 abuts an alley abutting an R-1 district.

FINDINGS

1. That there are special circumstances applying to the property referred to in the application, which do not apply to other properties in the District. The special circumstances must relate to the size, shape, topography, location or surroundings of the property at the above address:

The applicant justifies that special circumstance exists because the lot was platted in 1960 as part of the New Papago Parkway Unit 9 subdivision, with adjacent and abutting properties. These multifamily and single-family residential properties were planned and developed as a unit. The developed multi-family properties have alley access for parking, with no landscape buffer. (See Attachment #4, Aerial Close-up.)

The proposed site plan shows that some landscaping would be provided between parking spaces and the alley, but not the full 15-foot wide buffer. The proposed landscaping would be more than that provided along the alley on the adjacent multi-family properties.

2. That the authorizing of the variance is necessary for the preservation of the privileges and rights enjoyed by other properties within the same zoning classification and zoning district:

The applicant states that the size and manner in which the platted lots were developed dictates the need for alley-loaded parking, in conflict with the 15-foot landscape requirement. At the time of platting, the ordinance allowed parking along the alley.

Staff finds that from an urban design point of view, it is desirable to locate the parking consistent with the character of surrounding development and along the alley as opposed to a site design with parking at the front of the property. The ordinance does not yield flexibility relative to the site's existing context.

3. That special circumstances were not created by the owner or applicant:

The applicant states that without the variance fewer dwelling units could be placed on the property. Also, the applicant considers that the platted entitled this lot access onto the alley, and the site plan is consistent with the intention of the plat with rights for alley-accessed parking. This lot would be unique in this block if it didn't have alley-accessed parking.

4. That the authorizing of the application will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general:

The multi-family sites along Bellevue not only use alley parking, but these sites do not have landscape buffers along the alley. Because all the multi-family sites along Bellevue use alley parking, the applicant maintains that the grant of the variance would create consistency in the neighborhood.

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ATTACHMENTS

1. Project Narrative
2. Justification
3. Context Aerial
4. Aerial Close-up
5. Zoning Map
6. Photographs
7. Proposed Site Plan

Project Narrative

MATERA

VILLAS

Request for Site Plan approval by the Development Review Board on approximately 0.44
acres located east of Scottsdale Road on Bellevue Street

Prepared for:

City of Scottsdale Planning Department
7447 E. Indian School Rd
Scottsdale, AZ 85258

Applicant:

Treviso LLC
9839 E. Rosemary Lane
Scottsdale, AZ 85260

July 2004

PROJECT NARRATIVE

Project Description

The Purpose of this request is to obtain site plan approval by the Development Review Board for Matera Villas, a 19,109 net s.f. (0.44 ac) undeveloped lot located at 7323 E. Belleview Rd. The property is currently zoned R-5, and was zoned such in 1960 as lot 180 of the New Papago Parkway Unit 9 subdivision. The existing plat designates this lot in the CCR's as a multifamily or higher density residential site. The site plan is consistent with the density range for an R-5 zoning in the City of Scottsdale. The resulting density is 18.2 du/ac. The proposed site plan and relative density is consistent with adjacent densities and offers 28% open space.

The subject site is an infill site located in a mixed density area of Scottsdale just east of Scottsdale Rd. on Belleview St., the first street south of McDowell. The housing in the area varies from single family, apartments, condominiums, to commercial uses closer to Scottsdale Rd. Contiguous to the properties on the north side of Belleview St. is the old undeveloped Los Arcos site. The applicant is requesting approval of the site plan to allow development of the existing vacant land into eight single family attached condominiums.

A homeowners' association with CCR's will control the project. Responsibilities of the homeowners' association include maintaining the landscaping in the common areas and developing and maintaining the architectural standards of the subdivision. The project will offer three different floor plans, as well as a covered ramada with picnic table and accessory amenities such as BBQ grills and bike racks. Landscaping and amenities will be installed during the course of construction by the developer and maintained by the homeowners' association. Belleview Villas will enhance the area by virtue of quality design and will contribute to the redevelopment and beautification of south Scottsdale.

Relationship to surrounding area

Scottsdale Rd. and McDowell are the major cross streets for the subject site. The property is located on the south side of Belleview St., approximately a half block east of Scottsdale Rd. Seventy-fourth Street is to the east. There are single family detached homes zoned R1-7 to the south, apartments and condominiums to the north, townhomes to the west and commercial to the west as well.

Accessibility

The major arterial for traffic to Matera Villas is via Scottsdale Rd. to the west. Secondary access will come via 74th St. to the east, which will carry traffic south from McDowell Rd. The ingress and egress will be located along the alley on the south side of the property, which is consistent with usage for adjacent properties. Covered parking will be located here for the future residents, and guest parking located in the center of the site.

Additionally, character is established for the entire Community through design elements such as thematic signage and open space/perimeter wall treatments, and is carried out through the design of individual homes by strict Community Site Development, Architectural Design, and Landscaping Standards.

Open Space

Matera Villas features 28% open space of the net lot area, of which half of the site total is located along frontage on Bellview St. The common outdoor open space is located conveniently in the center of the site, and the amenities are located on the south side of the buildings. This location will also add visual appeal to the property from the street. Additional open space is located at the rear of each unit. This private outdoor open space is created to comply with the City's ordinance requirements as well as allow residents a private backyard area. The open space will be landscaped using turf, desert trees, desert plants, and decomposed granite.

Residential Designs

The buildings will conform with the setback requirements under the R-5 density designation. The zoning ordinance allows the building to be built up to the property line, but in keeping with the ordinance, the backyards are ten feet deep. Placement of the buildings provides for nearly 26 to 37 feet between the building fronts.

Housing diversity is accomplished through three different home sizes varying from 1,100 to 1,500 square feet. The floorplans will be interchangeable within the building footprints laid out in the site plan, with the exception of the largest plan, which is always an end unit. The builder will offer two elevations for each floor plan, with multiple exterior color palettes and roof tile colors. Adjacent homes will be required to have different color palettes and elevations. Each elevation provides variation by utilizing covered entries, window trim, window and door foam and stucco pop-outs, and varied roof configurations. The builder will only use masonry and stucco exterior finishes. Color and materials should reflect or appropriately contrast with desert hues and other earth tones. All mechanical equipment shall be ground mounted and accessory structures shall conform to the main building in style and color. Building height is approximately 28 feet, and will not exceed 30 feet. Preliminary elevations are included in this package, and are subject to changes by the Development Review Board in order to obtain their approval.

In conclusion, Matera Villas is designed to be an attractive, updated alternative development for south Scottsdale and the immediate neighborhood.

JUSTIFICATION

1. Special circumstances/conditions exist which do not apply to other properties in the district:

This property was originally platted multi-family in 1960 as part of the New Papago Parkway Unit 9. It was platted in conjunction with the single-family, R1-7 zoned parcels south of the alley as a part of a master development plan. The alley is the sole means of access for parking to all R-5 parcels on the north and south side of Bellevue. In viewing these various R-5 communities along Bellevue that alley-loaded parking was planned as the primary parking location since conception. This parcel, lot 180, is the only undeveloped parcel remaining on the street. Special circumstances exist on this parcel because the application of a 1992 zoning ordinance, specifically the requirement for 15' of landscaping along the alley, create an economic hardship on the site by, in essence, taking away the ability to have alley-loaded parking. Without allowing for this provision, the site is virtually undevelopable as a multi-family site. The 15' landscape buffer along the alley would dictate that parking be available within the interior of the lot. Due to the small size of the lot, this is not feasible with an additional 15' of landscaping along the alley, as the lot essentially becomes a parking lot with little remaining room for the homes. The proposed site plan offers what we feel is a compromise, with two drive isles leading to interior parking. There is landscaping along the alley, but not the 15' as set forth in the current zoning provisions. To add the space would mean losing an additional two units on a site where four have been lost already. To lose any more would make the site not economically viable as a multi-family development, which is still its highest and best use.

2. Special Circumstances were not created by the owner or applicant:

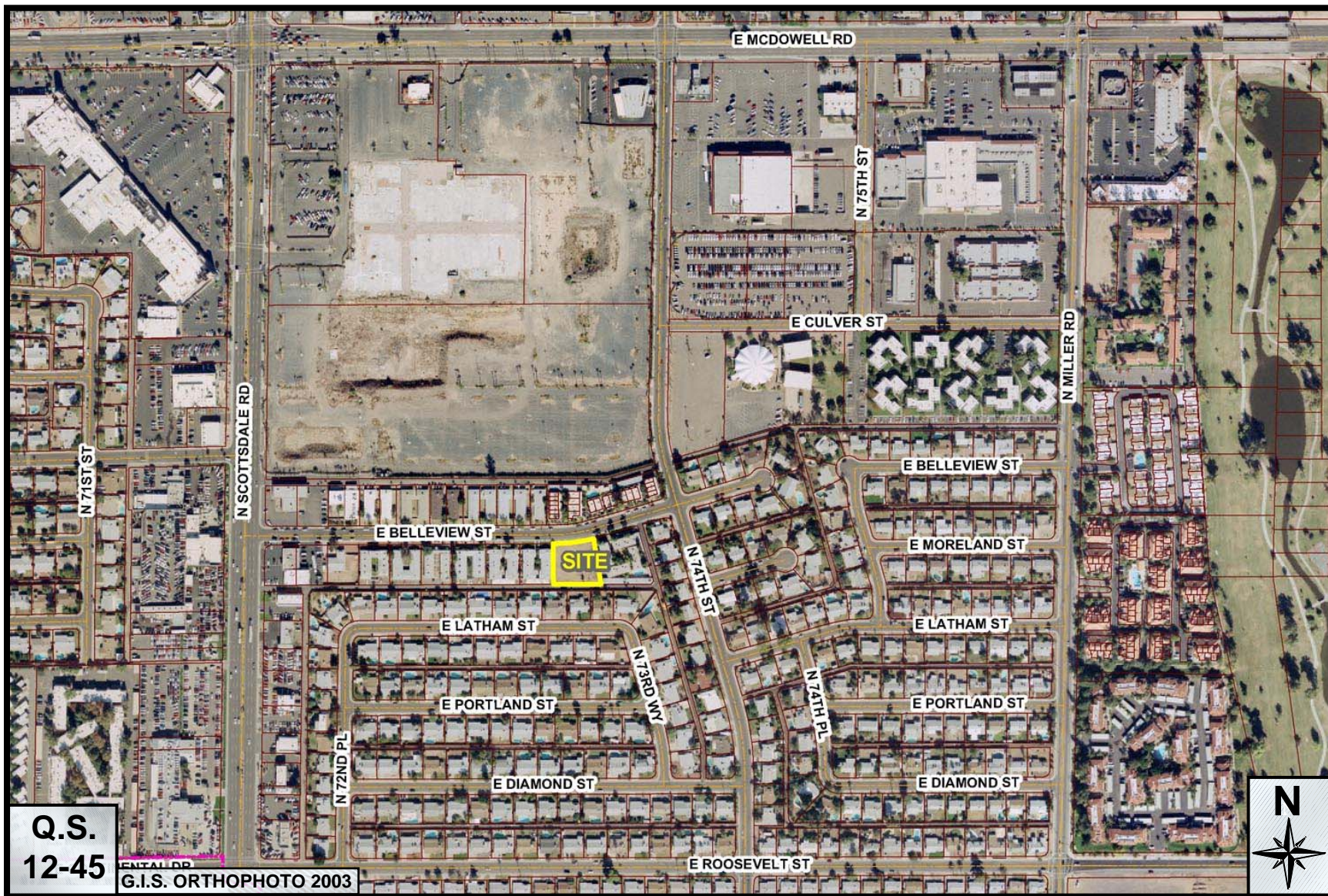
The size and manner in which the platted lots were developed dictates the need for the alley-loaded parking, which conflicts with the ability to have 15' of landscape along the alley. The owner/applicant is not responsible for the special circumstances due to the fact that the neighborhood was platted approximately 44 years ago, and subsequent development occurred by others in the following decades. The plat, at time of recording, was subject to zoning ordinances which allowed the parking along the alley. Therefore the alley parking restriction is due to an overlay of a recent zoning ordinance upon a plat recorded several years prior.

3. Authorizing the variance is necessary for the preservation and enjoyment of substantial property rights:

This variance is absolutely vital to the site in order for it to be developed. As described in question number one, the requirement to have 15' of landscaping along the alley would dictate an additional loss of units that would make the site virtually undevelopable due to an incongruity between the value of the land and the attainable density. Most importantly, the enforcement of a current requirement to a plat entitling this lot to alley access and parking in essence strips the site of a development entitlement, or at least a development assumption, that allowed for its ability to be developed. The proposed site plan is consistent with the intentions under which it was platted and all neighboring parcels have been developed in this manner. To not allow for the variance would remove the rights to parking that the whole block was clearly platted and subsequently developed under. It would be the only site along the alley with such a requirement and therefore imposes a hardship on the site if enforced.

4. Authorizing the application will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare in general:

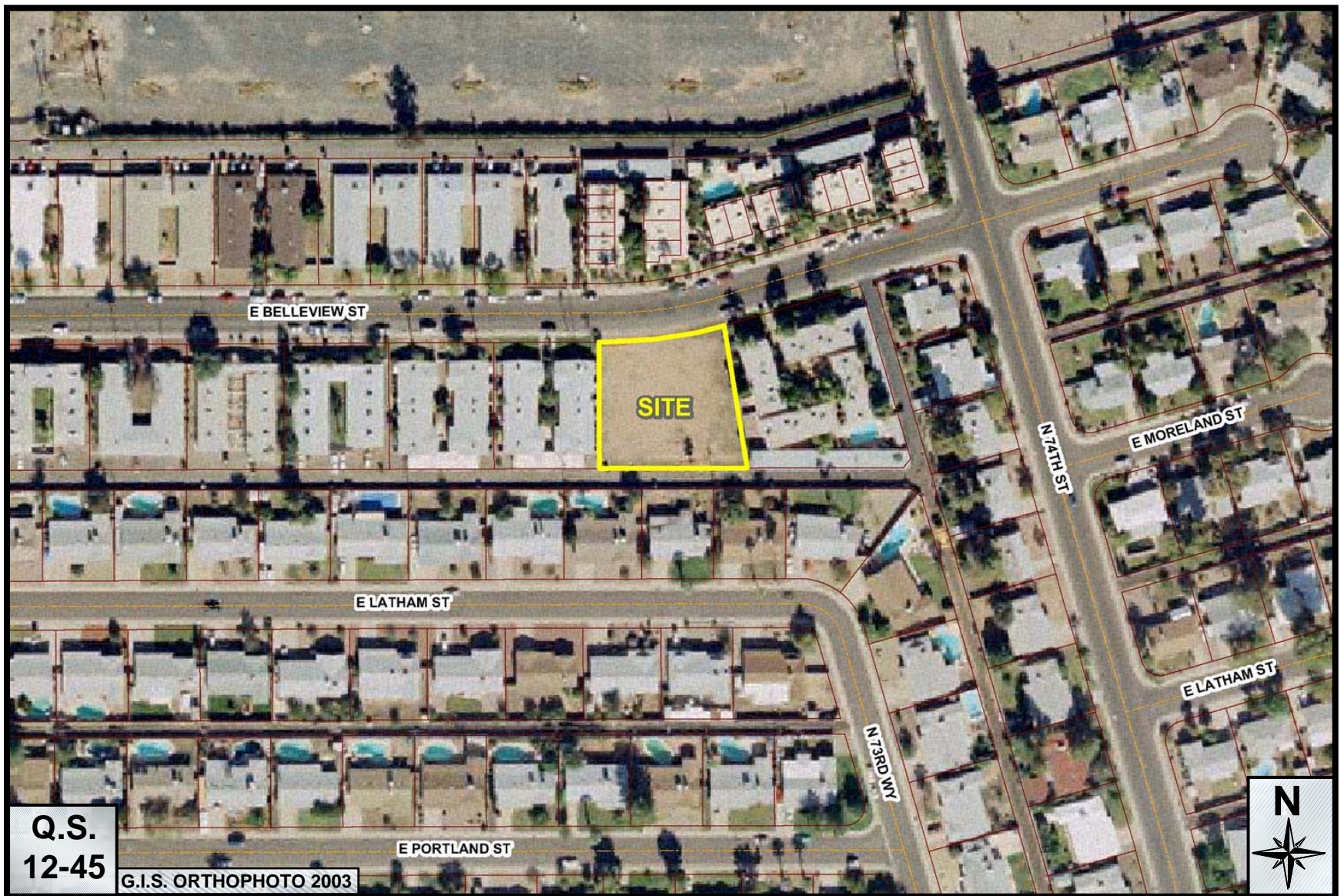
The authorization of the variance, allowing the applicant relief from the 15' landscape requirement along the alley, does not create or even imply a detriment to any of the above listed persons or properties, as what the applicant is asking for is pervasive throughout the neighborhood. All the multi-family sites along Bellevue utilize alley parking, so granting the variance will not even be cause for a second thought for the neighborhood as it is consistent with what is expected already.



Materra Villas

11-BA-2004

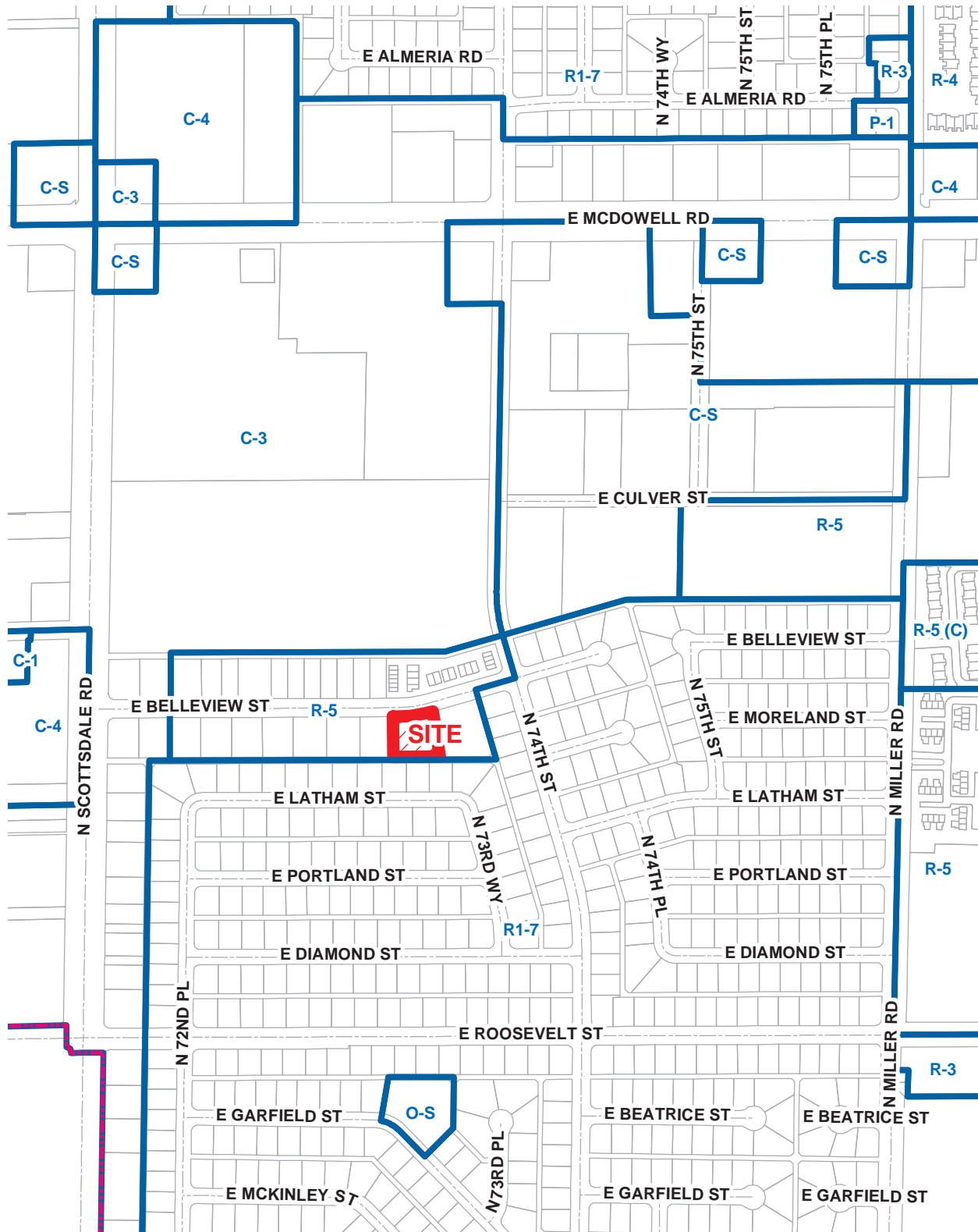
ATTACHMENT #3



Matera Villas

11-BA-2004

ATTACHMENT #4



11-BA-2004

ATTACHMENT #5

Matera Villas
Existing Conditions Photo Exhibit



#1: NWC Looking South



#2: NWC Looking West

ATTACHMENT #6

Matera Villas
Existing Conditions Photo Exhibit



#3: NWC Looking North



#4: NWC Looking East

Matera Villas
Existing Conditions Photo Exhibit



#5: NEC Looking South



#6: NEC Looking West

Matera Villas
Existing Conditions Photo Exhibit



#7: NEC Looking North



#8: NEC Looking East

Matera Villas
Existing Conditions Photo Exhibit



#9: SEC Looking South



#10: SEC Looking West

Matera Villas
Existing Conditions Photo Exhibit



#11: SEC Looking North



#12: SEC Looking East

Matera Villas
Existing Conditions Photo Exhibit



#12: SWC Looking South



#13: SWC Looking West

Matera Villas
Existing Conditions Photo Exhibit



#15: SWC Looking North



#16: SWC Looking East

